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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,157

09/11/2003

Mitchell S. Owens

8022-A-1

6781

7590

06/14/2006

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EXAMINER

SCHNEIDER, CRAIG M

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/661,157	OWENS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Craig M. Schneider	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 5,7 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/11/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |



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### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/30/2006 has been entered.

#### ***Election/Restrictions***

1. Claim 3 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/30/2006.

2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.



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4. Claims 1, 2, 4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Davenport (4,890,638).

Davenport discloses a security enclosure (90) for a control apparatus (11), the enclosure comprising a base (22), a cage (91, 92, 93, 94, and 95) configured to connect to the base and encompass the apparatus, a mounting member comprising a mounting shank (the middle 112) embedded within the base and a mounting strap (106 and 108 to 112 on the left of 108 and to the mounting shank) partially embedded within the base and joined to the mounting shank and configured to extend inside the cage substantially perpendicular to the base when the cage is connected to the base and a lock device (115) configured to secure the cage to the mounting strap when the cage is connected to the base (col. 5, line 56 onto col. 6, line 58).

Regarding claim 2, Davenport further discloses a second mounting strap (105 and 109 and 108 to the mounting shank) joined to the mounting shank.

Regarding claim 4, Davenport further discloses that the mounting shank extends between the first and second mounting straps (the first and second mounting straps are attached to the mounting shank 112 in the middle).

Regarding claim 6, Davenport further discloses that the enclosure comprises a cage that has a lock hole as seen in Figure 9, the mounting strap has a strap hole (116), and the lock device is configured to reside within the cage and strap holes when the cage is connected to the base.

***Claim Rejections - 35 USC § 103***



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5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davenport in view of Guardshack.

Davenport discloses a frame, a first end panel (29) and a second end panel (30). Davenport discloses the use of a brace (83) on a wall (40) of an enclosure (col. 5, lines 3-5). Davenport does not disclose a perforated body panel. Guardshack discloses a perforated cage as seen in the brochure. Guardshack further discloses that the cage comprises a first "U" member having a first upright portion and a second upright portion, a second "U" member having a third upright portion and a fourth upright portion, a first angle member coupled between said first and second upright portions, a second angle member coupled between said second and third upright portions, a third angle member coupled between said third and fourth upright portions, and a fourth angle member coupled between said fourth and first upright portions as seen in the Guardshack brochure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the perforated body panel of Guardshack onto the cage of Davenport, in order to be able to visually see inside the cage without removing the cage.

7. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davenport-Guardshack as applied to claim 11 above, and further in view of Clements et al. (6,203,591).



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Davenport-Guardshack disclose all the features of the claimed invention except that one of the first end panel, the second end panel, and the perforated body panel is formed of perforated sheet metal. Clements et al. disclose that perforated sheet metal and expanded sheet metal are interchangeable (col. 6, lines 65-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the perforated metal of Clements et al. onto the cage of Guardshack-Griffin et al.-Griffin et al., in order to allow for more flexibility during the manufacturing process.

Regarding claim 13, Guardshack-Griffin et al.-Griffin et al. disclose that the expanded metal is 10-18 gauge sheet metal (page 4 of brochure under Fabrication Specifications).

#### ***Allowable Subject Matter***

8. Claim 15-20 are allowed.
9. Claims 5, 7, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMS *CMS*  
June 9, 2006

  
ERIC KEASEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700